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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/809,171
Filing Date: March 25, 2004
Appellant(s): MARIA MEIJER ET AL.

Himanshu S. Amin, Reg # 40,894
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 14 November 2007 appealing from the Office action mailed 22 February 2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

2005/0160108	CHARLET et al.	07-2005
6,658,429	DORSETT, Jr.	12-2003
2004/0039964	RUSSELL et al.	02-2004
6,125,391	MELTZER et al.	09-2000

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-6, 12-16, 18-19, 26 and 29-31 are rejected under 35 U.S.C. 102(e) as being anticipated by US PGPub 2005/0160108 to Charlet et al (hereafter Charlet).

Referring to claim 1, Charlet discloses a system [system 400] that maps a first construct [XML document 202] of a domain [markup language] to a second construct [hierarchical database 204] ([0061]) of another domain [relational] comprising a computer-readable storage medium, comprising the following computer executable components (see [0035]-[0037]):

a bank [database schema 304] that stores at least one of a set of suppress field labels and a set of introduce field labels [the element names 308 that match the database field names 306] (see [0057]); and

a mapping component [mapping module 206] that utilizes at least one of a suppress field label and an introduce field label to facilitate mapping (see [0062], lines 1-3 and [0071] – mapping module 206 – uses XML schema 302 and database schema 304) the first construct [XML document 202] of a domain [markup language] to the second construct [hierarchical database 204] of another domain [relational] (see [0052]; [0053]; [0061] and [0072]).

Referring to claim 2, Charlet discloses the system of claim 1, wherein the first construct is a named [XML element name] or an anonymous construct and the second construct is a named [database field name] or an anonymous construct, and the mapping comprises one of transforming the first named construct to the second named construct (see [0057] and [0071] – each XML element name is matched to a database

field name); the first named construct to the second anonymous construct; the first anonymous construct to the second named construct; and the first anonymous construct to the second anonymous construct.

Referring to claim 3, Charlet discloses the system of claim 1, wherein the first construct is one of a markup language construct [XML document 202], an object oriented language construct, a relational construct and a user interface construct, and the second construct is one of a markup language construct, an object oriented language construct, a relational construct [hierarchical database 204] and a user interface construct (see [0061], lines 1-3).

Referring to claim 4, Charlet discloses the system of claim 3, wherein the markup language construct is one of an XML [XML document 202] (see [0061], lines 1-3) and a CLR construct, the object oriented language construct is one of a C++, a C#, a Java and a Visual Basic construct, and the relational construct is a SQL construct (see [0067], lines 3-11 – the input [first construct] can be a SQL query).

Referring to claim 5, Charlet discloses the system of claim 1, wherein the mapping is isomorphic (see [0064], lines 3-6 and [0073], lines 8-11 – according to page 9, line 11 of applicants' specification, an isomorphic mapping is a 1:1 mapping).

Referring to claim 6, Charlet discloses the system of claim 1, further comprising a mapping file that provides one or more of a default mapping, a user customized mapping, and a mediating schema [XML schema 302 and database schema 304] that facilitates mapping the first construct [XML document 202] to the second construct [hierarchical database 204] (see [0061] and [0062], lines 1-3).

Referring to claim 12, Charlet discloses the system of claim 1, wherein the mapping component performs at least one of the following: serializes an instance of the first construct to the second construct; deserializes an instance of the first construct to the second construct; persists the first construct to the second construct; restores the first construct from the second construct; publishes the first construct [XML document] in the second construct [hierarchical database] (see [0049] – the data from the XML document is passed to the hierarchical database and inserted); shreds the first construct from the second construct; and binds the first construct to the second construct.

Referring to claim 13, Charlet discloses a method that transforms constructs between domains [markup language domain to relational domain], comprising:

receiving a construct [XML document 202] (see [0065], lines 1-7);

obtaining a mapping [metadata schema 208] associated with the construct [XML document 202] (see [0070]-[0071]); and

employing the mapping to transform the construct [XML document] of a first domain [markup – an XML document is written in a markup language] to a second construct [hierarchical database 204] of another domain [relational] (see [0052]; [0053]; [0061]; and [0072], lines 1-8).

Referring to claim 14, Charlet discloses the method of claim 13, further comprising transforming one of a named construct [XML element name] to a different named construct [database field name] (see [0057] and [0071] – each XML element name is matched to a database field name); a named construct to an anonymous

construct; an anonymous construct to a different anonymous construct, and an anonymous construct to a named construct.

Referring to claim 15, Charlet discloses the method of claim 13, wherein the transformation is lossless (see [0064], lines 3-6 and [0073], lines 8-11 – according to page 9, line 11 of applicants' specification, a lossless transformation is a 1:1 mapping).

Referring to claim 16, Charlet discloses the method of claim 13, wherein the mapping comprises one or more of a suppress field label, an introduce field label, a default mapping, a user customized mapping, and a mediating schema [XML schema 302 and database schema 304] (see [0061] and [0062], lines 1-3).

Referring to claim 18, Charlet discloses a method that transforms constructs between domains [markup language domain to relational domain], comprising:

providing a construct [XML document 202] to transform (see [0065], lines 1-7) to transform between domains [markup language and relational] (see [0061]);

retrieving a mapping [metadata schema 208] that facilitates construct transformation (see [0070]-[0071]); and

utilizing the mapping to transform the construct [XML document 202] of a first domain [markup language] to a second construct [hierarchical database 204] of another domain [relational] (see [0052]; [0053]; [0061]; [0072], lines 1-8).

Referring to claim 19, Charlet discloses the method of claim 18, wherein the mapping comprises at least one of a suppress field label, an introduce field label, a default mapping, a user customized mapping, and a mediating schema [XML schema 302 and database schema 304] (see [0061] and [0062], lines 1-3).

Referring to claim 26, Charlet discloses the method of claim 18, wherein the transformation comprises publishing a markup construct in a relational construct (see [0049] – the data from the XML document is passed to the hierarchical database and inserted).

Referring to claim 30, Charlet discloses a computer readable medium storing computer executable components (see [0039]) to facilitate transforming constructs between domains [markup language domain to relational domain], comprising:

a component that receives a construct [XML document 202] to transform between domains [markup language and relational] (see [0061] and [0065], lines 1-7);

a component that provides a mapping [metadata schema 208] that facilitates construct [XML document 202] transformation (see [0070]-[0071]); and

a component that utilizes the mapping to transform the construct [XML document 202] of a domain to a second construct [hierarchical database 204] of another domain [going from an XML document, which is considered to represent the markup domain to a hierarchical database, which is considered to represent a relational domain] (see [0052]; [0053]; [0061] and [0072], lines 1-8).

Referring to claim 31, Charlet discloses a construct transformation system between domains [markup language domain and relational domain] comprising a computer-readable storage medium (see [0039]), comprising:

computer-executable means [database schema 304] for determining a mapping between constructs (see [0057]); and

computer-executable means [mapping module 206] for employing the mapping to transform a first construct [XML document 202] of a domain [markup language] to a second construct [hierarchical database 204] of another domain [relational] (see [0052]; [0053]; [0061]; [0062], lines 1-3 and [0071]).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 7-8, 10 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over US PGPub 2005/0160108 to Charlet et al as applied respectively to claims 6 and 19 above, and further in view of US Patent No 6,658,429 to Dorsett, Jr. (hereafter Dorsett).

Referring to claim 7, Charlet discloses the feature of mapping. However, Charlet fails to explicitly disclose the further limitation of a user customized mapping. Dorsett disclose a system for mapping XML data to object data, including the further limitation of wherein the user customized mapping (see column 17, line 54 – column 18, line 6) defines a construct structure to suppress and introduce labels (see column 18, lines 7-17) in order to increase the amount of input and customization that the developer has with transforming the data.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the user customized ability disclosed by Dorsett's system

as a substitute to the machine generated mapping of Charlet. One would have motivated to do so in order to increase the amount of input and customization that the developer has with transforming the data.

Referring to claim 8, Charlet discloses the feature of mapping. However, Charlet fails to explicitly disclose the further limitation of a user customized mapping. Dorsett disclose a system for mapping XML data to object data, including the further limitation of wherein the user customized mapping comprises at least one of an annotating type (see column 18, lines 7-17) and an annotating schema in order to increase the amount of input and customization that the developer has with transforming the data.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the user customized ability disclosed by Dorsett's system as a substitute to the machine generated mapping of Charlet. One would have motivated to do so in order to increase the amount of input and customization that the developer has with transforming the data.

Referring to claim 10, Charlet discloses the feature of mapping with a mediating schema. However, Charlet fails to explicitly disclose the further limitation of a using the schema to transform the constructs to an intermediate representation. Dorsett disclose a system for mapping XML data to object data, including the further limitation of wherein the mediating schema transforms constructs to an intermediate representation at least one of before, during and after transforming the first construct (see column 11, lines 17-20) in order to increase the efficiency and accuracy of mapping XML data to object data.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the feature of an intermediate structure as disclosed by Dorsett's system with Charlet's system. One would have motivated to do so in order to increase the efficiency and accuracy of mapping XML data to object data.

Referring to claim 20, Charlet discloses the feature of mapping with a mediating schema. However, Charlet fails to explicitly disclose the further limitation of a using the schema to transform the constructs to an intermediate representation. Dorsett disclose a system for mapping XML data to object data, including the further limitation of wherein the mediating schema transforms constructs to an intermediate representation at least one of before, during and after transforming the first construct (see column 11, lines 17-20) in order to increase the efficiency and accuracy of mapping XML data to object data.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the feature of an intermediate structure as disclosed by Dorsett's system with Charlet's method. One would have motivated to do so in order to increase the efficiency and accuracy of mapping XML data to object data.

Claims 11 and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over US PGPub 2005/0160108 to Charlet et al as applied respectively to claims 1 and 18 above, and further in view of US PGPub 2004/0039964 to Russell et al (hereafter Russell et al).

Referring to claim 11, Charlet discloses a first construct and a second construct. However, Charlet fails to explicitly disclose the further limitation of complex

or simple constructs. Russell et al disclose type mapping data between heterogeneous formats (see abstract), including the further limitation of wherein the first construct is a complex or a simple construct and the second construct is a complex or a simple construct (see [0035], lines 6-13 – complex constructs) in order to increase the efficiency and accuracy of mapping XML complex objects.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the feature of complex structures as disclosed by Russell et al with Charlet's system. One would have motivated to do so in order to increase the efficiency and accuracy of mapping XML complex objects (Russell et al: see [0005], lines 13-20).

Referring to claim 21, Charlet discloses a first construct and a second construct. However, Charlet fails to explicitly disclose the further limitation of complex or simple constructs. Russell et al disclose type mapping data between heterogeneous formats (see abstract), including the further limitation wherein the received construct is a complex or a simple construct and the transformed construct is a complex or a simple construct (see [0035], lines 6-13 – complex constructs) in order to increase the efficiency and accuracy of mapping XML complex objects.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the feature of complex structures as disclosed by Russell et al with Charlet's method. One would have motivated to do so in order to increase the efficiency and accuracy of mapping XML complex objects (Russell et al: see [0005], lines 13-20).

Referring to claim 22, Charlet discloses transforming constructs. However, Charlet fails to explicitly disclose the further limitation wherein the transformation comprises serializing a markup construct to an object construct. Russell et al disclose type mapping data between heterogeneous formats (see abstract), including the further limitation wherein the transformation comprises serializing a markup construct [XML] to an object construct [JavaBean] (see [0061], lines 1-4) so in order to increase the efficiency of transforming XML into objects.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the feature of a markup construct and an object construct as disclosed by Russell et al with Charlet's method for transforming constructs. One would have motivated to do so in order to increase the efficiency of transforming XML into objects.

Referring to claim 23, Charlet discloses transforming constructs. However, Charlet fails to explicitly disclose the further limitation wherein the transformation comprises deserializing an object construct to a markup construct. Russell et al disclose type mapping data between heterogeneous formats (see abstract), including the further limitation wherein the transformation comprises deserializing an object construct [JavaBean] to a markup construct [XML] (see [0090], lines 10-15) in order to increase the efficiency of transforming XML into objects.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the feature of a markup construct and an object construct as disclosed by Russell et al with Charlet's method for transforming constructs. One

would have motivated to do so in order to increase the efficiency of transforming XML into objects.

Claims 9, 17, 24, 25, 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over US PGPub 2005/0160108 to Charlet et al as applied respectively to claims 6, 13 and 18 above, and further in view of US Patent No 6,125,391 to Meltzer et al (hereafter Meltzer et al).

Referring to claim 9, Charlet discloses transforming constructs. However, Charlet fails to explicitly disclose the further limitation wherein the default mapping is based on one or more of a heuristic, an inference, a probability and machine learning. Meltzer et al disclose transforming constructs (see column 30, lines 13-21), including the further limitation wherein the default mapping is based on one or more of a heuristic, an inference, a probability and machine learning (see column 27, lines 4-8) in order to increase the efficiency of transforming constructs.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the feature for using a default mapping to transform constructs as disclosed by Meltzer et al with Charlet's system for transforming constructs. One would have motivated to do so in order to increase the efficiency of transforming constructs.

Referring to claim 17, Charlet discloses transforming constructs. However, Charlet fails to explicitly disclose the further limitation wherein the mapping is based on one or more of a heuristic, an inference, a probability and machine learning. Meltzer et

al disclose transforming constructs (see column 30, lines 13-21), including the further limitation wherein the mapping is based on one or more of a heuristic, an inference, a probability and machine learning (see column 27, lines 4-8) in order to increase the efficiency of transforming constructs.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the feature for using a default mapping to transform constructs as disclosed by Meltzer et al with Charlet's method for transforming constructs. One would have motivated to do so in order to increase the efficiency of transforming constructs.

Referring to claim 24, Charlet discloses transforming constructs. However, Charlet fails to explicitly disclose the further limitation wherein the transformation comprises persisting an object construct to a relational construct. Meltzer et al disclose transforming constructs (see column 30, lines 13-21), including the further limitation wherein the transformation comprises persisting an object construct to a relational construct (see column 33, lines 9-12) in order to increase the efficiency of transforming objects into relations.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the feature of a relational construct and an object construct as disclosed by Russell et al with Charlet's method for transforming constructs. One would have motivated to do so in order to increase the efficiency of transforming objects into relations.

Referring to claim 25, Charlet discloses transforming constructs. However, Charlet et al fail to explicitly disclose the further limitation wherein the transformation comprises restoring an object construct from a relational construct. Meltzer et al disclose transforming constructs (see column 30, lines 13-21), including the further limitation wherein the transformation comprises restoring an object construct from a relational construct (see column 33, lines 9-12) in order to increase the efficiency of transforming objects into relations.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the feature of a relational construct and an object construct as disclosed by Russell et al with Charlet's method for transforming constructs. One would have motivated to do so in order to increase the efficiency of transforming objects into relations.

Referring to claim 27, Charlet discloses transforming constructs. However, Charlet fails to explicitly disclose the further limitation wherein the transformation comprises shredding a relational construct to markup construct. Meltzer et al disclose transforming constructs (see column 30, lines 13-21), including the further limitation wherein the transformation comprises shredding a relational construct to markup construct (see column 33, lines 9-12) in order to increase the efficiency of transforming relations into markup.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the feature of a relational construct and a markup construct as disclosed by Russell et al with Charlet's method for transforming

constructs. One would have motivated to do so in order to increase the efficiency of transforming relations into markup.

Referring to claim 28, Charlet discloses transforming constructs. However, Charlet fails to explicitly disclose the further limitation wherein the transformation comprises binding the received construct to a user interface, the received construct is one of an object construct, a markup construct, a relational construct and a disparate user interface construct. Meltzer et al disclose transforming constructs (see column 30, lines 13-21), including the further limitation wherein the transformation comprises binding the received construct to a user interface, the received construct is one of an object construct, a markup construct, a relational construct and a disparate user interface construct (see column 7, line 61 – column 8, line 1 – binding two user interfaces) in order to increase the efficiency of transforming constructs.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the feature binding constructs as disclosed by Russell et al with Charlet's method for transforming constructs. One would have motivated to do so in order to increase the efficiency of transforming constructs.

(10) Response to Argument

This Examiner's Answer will address the Appellants' arguments in the order in which they appear in the appeal brief.

- ***Issue A*: Rejection of claims 1-6, 12-16, 18-19 and 30-31 under 35 USC § 102(e)**

Appellants' Argument: Thus, Charlet et al. is not transforming constructs of different type-systems from one domain to another, but is merely sending an XML document for storage in a database, for later retrieval. ... Accordingly, Charlet et al . is silent with respect to ... *a mapping component that utilizes at least one of a suppress field label and an introduce field label* ***to facilitate mapping the first construct of a domain to the second construct of another domain***. (Appeal Brief: pages 5-7)

Examiner's Response:

In response to appellant's argument that the references fail to show certain features of appellant's invention, it is noted that the features upon which appellant relies (i.e., constructs of different type-systems) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The examiner respectfully disagrees that Charlet fails to disclose the claimed aspects of ***facilitate mapping the first construct of a domain to the second***

construct of another domain. As cited above, Charlet discloses a system [system 400] that maps a first construct [XML document 202] of a domain [markup language] to a second construct [hierarchical database 204] of another domain [relational] (see [0061] – "Fig. 4 illustrates a system 400 for passing data between a valid XML document 202 and a hierarchical database 202, mapping module 206, and hierarchical database 204 very similar to those components discussed in relation to the embodiment of Fig. 2.").

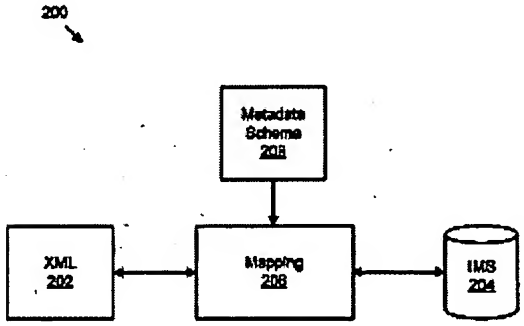

Fig. 2

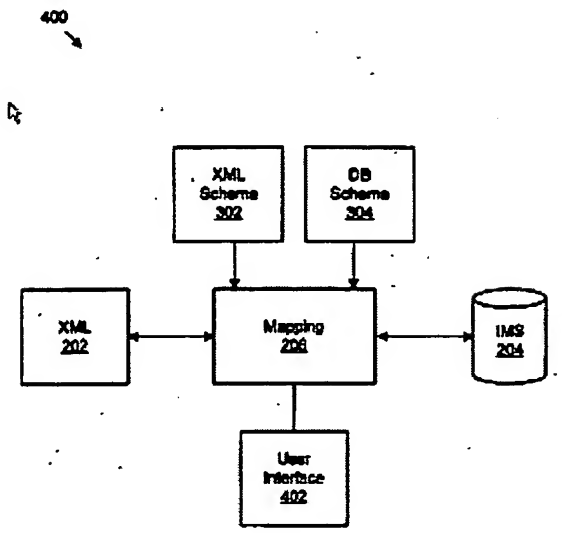

Fig. 4

The XML document 202 and the hierarchical database 204 are considered to represent constructs. According to the appellants' specification, an example of a construct is structured data (see page 8, lines 6-7 – "The mapping component 110 can transform essentially any construct (e.g., structured data) form one structure to at least one different structure."). Since both XML documents and hierarchical databases represent structured data, Charlet is considered to teach the limitation of a first construct and a second construct. According to appellants' abstract, examples of domains are object, markup, relational and user interface (see abstract, lines 1-3 – "The present invention provides systems and methods that isomorphically maps constructs between domain space (e.g., object, markup, relational and user interface domains)."). The XML document 202 is written in the markup language XML and therefore is

considered to represent the relational domain. According to page 252 of the Fifth Edition of the Microsoft Computer Dictionary, a hierarchical database is defined as "A database in which records are grouped in such a way that their relationships for a branching, treelike structure." Since the focus of the hierarchical database is relationships, the database is considered to represent the relational domain. Therefore, the XML document 202 is considered to represent a first construct of a markup domain and the hierarchical database 204 is considered to be a second construct of the relational domain, which is different than the markup domain.

Paragraphs [0052] and [0053] further discuss the concept of the mapping module. Paragraphs [0052] and [0053] state the following:

[0052] The mapping module 206 maps data between the XML document 202 and the hierarchical database 204. In one embodiment, the mapping module 206 is external to the hierarchical database 204 and passes the data between the XML document 202 and the hierarchical database 204 using the metadata schema 208 and external database commands. To store or retrieve data in decomposed and mixed decomposed and intact formats, the mapping module 206 relies on the metadata schema 208. If the whole XML document is to be saved in intact format, the mapping module 206 may not need the metadata schema 208.

[0053] The mapping module 206 and metadata schema 208 will be described in more detail below. The metadata schema 208 includes the hierarchical structure of the XML document 202, the hierarchical structure of the hierarchical database 204, and one or more database field names that map to corresponding XML element names in the XML document 202. The mapping module 206 maps between XML elements in the XML document 202 and database nodes in the hierarchical database 204 by matching the XML element name to the database field name. Once the mapping has been made, the mapping module 206 performs any necessary type and/or encoding format conversions, and stores the data in the appropriate target. If an XML document 202 is being stored, the target is a database field in the database 204

at the appropriate database node. If an XML document 202 is being retrieved, the target is a generated XML element stored in the XML document 202.

The mapping module maps corresponding XML element names in the XML document 202 to database nodes in the hierarchical database 204 by matching the XML element name to the database field name. After this step, the mapping module then performs any necessary type or encoding format conversions. Therefore, the XML is not merely sent to the database for storage, but has to be processed and mapped in a manner which insures compatibility with the format required by the hierarchical database.

- ***Issue B*: Rejection of claims 7-8, 10 and 20 under 35 USC § 103(a)**

Appellants' Argument: Claims 7-8, 10 and 20 stand rejected under 35 U.S.C. § 103(a) as being obvious over Charlet et al. in view of Dorsett, Jr. (US 6,658,429). It is respectfully submitted that this rejection should be withdrawn for the following reasons. Charlet et al. and Dorsett, Jr. et al., individually or in combination, do not teach or suggest each and every element set forth in the subject claims. In particular, Dorsett, Jr. et al. does not make up for the aforementioned deficiencies of Charlet et al. with respect to independent claims 1 and 18 (which claims 7-8, 10 and 20 respectively depend there from). Thus, the claimed subject matter as recited in claims 7-8, 10 and 20 is not obvious over the combination of Charlet et al. and Dorsett, Jr. et al., and withdrawal of this rejection is requested. (Appeal Brief: page 7)

Examiner's Response: For the reasons mentioned above, Charlet et al teaches independent claims 1 and 18. Therefore, the claimed subject matter as recited in claims

7-8, 10 and 20 (respectively dependent on claims 1 and 18) is obvious over the combination of Charlet et al and Dorsett, Jr.

- ***Issue C*: Rejection of claims 11 and 21-23 under 35 USC § 103(a)**

Appellants' Argument: Claims 11 and 21-23 stand rejected under 35 U.S.C. § 103(a) as being obvious over Charlet et al. in view of Russell et al. (US 2004/0039964). It is respectfully submitted that this rejection should be withdrawn for the following reasons. Charlet et al. and Russell et al., individually or in combination, do not teach or suggest each and every element set forth in the subject claims. In particular, Russell et al. does not make up for the aforementioned deficiencies of Charlet et al. with respect to independent claims 1 and 18 (which claims 11 and 21-23 respectively depend there from). Thus, the claimed subject matter as recited in claims 11 and 21-23 is not obvious over the combination of Charlet et al. and Russell et al., and withdrawal of this rejection is requested. (Appeal Brief: page 8)

Examiner's Response: For the reasons mentioned above, Charlet et al teaches independent claims 1 and 18. Therefore, the claimed subject matter as recited in claims 11 and 21-23 (respectively dependent on claims 1 and 18) is obvious over the combination of Charlet et al and Russell et al.

- ***Issue D*: Rejection of claims 9, 17, 24, 25, 27 and 28 under 35 USC § 103(a)**

Appellants' Argument: Claims 9, 17, 24, 25, 27 and 28 stand rejected under 35 U.S.C. §103(a) as being obvious over Charlet et al. in view of Meltzer et al. (US 6,125,391). It is respectfully submitted that this rejection should be withdrawn for the following reasons. Charlet et al. and Meltzer et al., individually or in combination, do not teach or suggest each and every element set forth in the subject claims. In particular, Meltzer et al. does not make up for the aforementioned deficiencies of Charlet et al. with respect to independent claims 1, 13 and 18 (which claims 9, 17, 24, 25, 27 and 28 respectively depend there from). Thus, the claimed subject matter as recited in claims 9, 17, 24, 25, 27 and 28 is not obvious over the combination of Charlet et al. and Meltzer et al., and withdrawal of this rejection is requested. (Appeal Brief: page 8)

Examiner's Response: For the reasons mentioned above, Charlet et al teaches independent claims 1, 13 and 18. Therefore, the claimed subject matter as recited in claims 9, 17, 24, 25, 27 and 28 (respectively dependent on claims 1, 13 and 18) is obvious over the combination of Charlet et al and Meltzer et al.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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